MT LEGISLATIVE HISTORY

Year ch 20 1999
Bill # HB 205 Original bill & hist. ✓ C

H. Committee on Natural Resources S. Committee on Local Govt.

Hearing Date(s)		C	Hearing Date(s)		C
	1/13	✓ C		3/16	✓ C
		C			C
		C			C
Date Out	1/29	✓ C	Date Out	3/18	✓ C

Did this bill originate in an interim committee? ___Yes ✓ No

Committee _____

Minutes

Report

HB 204 Introduced by Shockley *LC0950 Drafter: MacMaster*

Authorize Certain Court Financial Accounts to Be Kept in Interest-bearing Accounts in Financial Institutions, with the Interest to Be Used to Help Defray the Court's Administration Costs;...

1/05	Introduced and 1st Reading		
1/05	Referred to Local Government		
1/14	Hearing		
1/16	Fiscal Note Requested		
1/19	Fiscal Note Received		
1/20	Fiscal Note Signed		
1/21	Fiscal Note Printed		
1/27	Committee Executive Action--Bill Passed as Amended	15	3
1/27	Committee Report--Bill Passed as Amended		
2/03	2nd Reading Passed as Amended	84	16
2/05	3rd Reading Passed	83	16
	Transmitted to Senate		
2/06	Referred to Judiciary		
3/11	Hearing		
3/17	Committee Executive Action--Bill Concurred as Amended	9	0
3/18	Committee Report--Bill Concurred as Amended		
3/19	2nd Reading Concurred	44	0
3/20	3rd Reading Concurred	42	0
	Returned to House with Amendments		
4/13	2nd Reading Senate Amendments Concurred	97	3
4/14	3rd Reading Passed as Amended by Senate	89	10
4/14	Sent to Enrolling		
4/15	Returned from Enrolling		
4/16	Signed by Speaker		
4/16	Signed by President		
4/16	Transmitted to Governor		
4/21	Signed by Governor		
4/22	Chapter Number Assigned		
	Chapter Number 393		
	Effective Date: 10/01/1999 - All Sections		

HB 205 Introduced by Tash *LC1100 Drafter: MacMaster*

Provide for Water Rights Delivery System Easements in Proposed Subdivisions;...

1/05	Introduced and 1st Reading		
1/05	Referred to Natural Resources		
1/13	Hearing		
2/01	Committee Executive Action--Bill Passed as Amended	16	0
2/01	Committee Report--Bill Passed as Amended		
2/04	2nd Reading Passed	100	0
2/05	3rd Reading Passed	99	0
	Transmitted to Senate		
2/06	Referred to Local Government		
3/16	Hearing		
3/19	Committee Executive Action--Bill Concurred	7	0
3/19	Committee Report--Bill Concurred		
3/20	2nd Reading Concurred	40	0
3/22	3rd Reading Concurred	49	0

	Returned to House		
3/23	Sent to Enrolling		
3/23	Returned from Enrolling		
3/24	Signed by Speaker		
3/24	Signed by President		
3/25	Transmitted to Governor		
3/29	Signed by Governor		
3/30	Chapter Number Assigned		
	Chapter Number 201		
	Effective Date: 10/01/1999 - All Sections		

HB 206 Introduced by Fisher *LC0318 Drafter: Martin*

Allow Persons 65 Years of Age or Older Who Occupy a Homestead to Claim a Limitation from Increased Residential Property Taxes on the Homestead;...

10/13	Fiscal Note Needed		
1/05	Introduced and 1st Reading		
1/05	Referred to Taxation		
1/05	Fiscal Note Requested		
1/14	Fiscal Note Received		
1/14	Fiscal Note Signed		
1/14	Hearing		
1/15	Fiscal Note Printed		
3/02	Tabled in Committee		
3/31	Missed Deadline for Revenue Bill Transmittal		

HB 207 Introduced by R. Johnson *LC0723 Drafter: Fox*

Provide That the District Court Reimbursement Program Pay for Certain Expenses Incurred in State District Court for Proceedings Involving Abused and Neglected Children;...

1/05	Introduced and 1st Reading		
1/05	Referred to Appropriations		
1/05	Fiscal Note Requested		
1/06	Fiscal Note Received		
1/07	Fiscal Note Signed		
1/07	Fiscal Note Printed		
1/12	Hearing		
1/15	Committee Executive Action--Bill Passed as Amended	17	1
1/18	Committee Report--Bill Passed as Amended		
1/20	2nd Reading Passed	83	16
1/22	3rd Reading Passed	85	15
	Transmitted to Senate		
1/27	Referred to Finance and Claims		
3/02	Hearing		
3/05	Tabled in Committee		
3/24	Committee Executive Action--Bill Concurred as Amended	18	0
3/24	Committee Report--Bill Concurred as Amended		
3/26	2nd Reading Concurred	49	0
3/27	3rd Reading Concurred	49	0
	Returned to House with Amendments		
4/13	2nd Reading Senate Amendments Concurred	92	5
4/14	3rd Reading Passed as Amended by Senate	83	16
4/14	Sent to Enrolling		

H BILL NO. 205

INTRODUCED BY Josh
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR WATER RIGHTS DELIVERY SYSTEM EASEMENTS IN PROPOSED SUBDIVISIONS; AND AMENDING SECTION 76-3-504, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-3-504, MCA, is amended to read:

"**76-3-504. Minimum requirements for subdivision regulations.** The subdivision regulations adopted under this chapter ~~shall~~ must, at a minimum:

(1) require the subdivider to submit to the governing body an environmental assessment as prescribed in 76-3-603;

(2) establish procedures consistent with this chapter for the submission and review of subdivision plats;

(3) prescribe the form and contents of preliminary plats and the documents to accompany final plats;

(4) provide for the identification of areas that, because of natural or human-caused hazards, are unsuitable for subdivision development and prohibit subdivisions in these areas unless the hazards can be eliminated or overcome by approved construction techniques;

(5) prohibit subdivisions for building purposes in areas located within the floodway of a flood of 100-year frequency, as defined by Title 76, chapter 5, or determined to be subject to flooding by the governing body;

(6) prescribe standards for:

(a) the design and arrangement of lots, streets, and roads;

(b) grading and drainage;

(c) subject to the provisions of 76-3-511, water supply and sewage and solid waste disposal that, at a minimum, meet the regulations adopted by the department of environmental quality under 76-4-104;

(d) the location and installation of utilities;

(7) provide procedures for the administration of the park and open-space requirements of this

chapter;

(8) provide for the review of preliminary plats by affected public utilities and those agencies of local, state, and federal government having a substantial interest in a proposed subdivision. A utility or agency review may not delay the governing body's action on the plat beyond the time limits specified in this chapter, and the failure of any agency to complete a review of a plat may not be a basis for rejection of the plat by the governing body.

(9) require the subdivider to establish ditch easements in the subdivision, in locations of appropriate topographic characteristics and sufficient width, to allow the physical placement and unobstructed maintenance of open ditches or below-ground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots. Easements are not required if:

(a) the average lot size is 1 acre or less and the subdivider provides for disclosure, in a manner acceptable to the governing body, that adequately notifies potential buyers that the lots are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable; or

(b) the water rights are removed from the subdivided land through appropriate legal process prior to the filing of the final plat.

(10) require the subdivider, unless otherwise provided for under separate written agreement or filed easement, to establish ditch easements for unobstructed use and maintenance of existing water delivery ditches, pipelines, and facilities in the subdivision that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights."

- END -

Closing by Sponsor: Rep. Cindy Younkin
{Tape : 2; Side : A; Approx. Time Counter : 3.7}

HEARING ON HB205

Opening Statement by Sponsor: Rep. Bill Tash
{Tape : 2; Side : B; Approx. Time Counter : 4.1}

Rep. Bill Tash moves to amend HB205. EXHIBIT(3)
{Tape : 2; Side : B; Approx. Time Counter : 8.9}

Proponents' Testimony:

Mike Murphy, Montana Water Resource Association
{Tape : 2; Side : B; Approx. Time Counter : 9.9}

John Baucus, Helena Valley Irrigation District EXHIBIT(4)
{Tape : 2; Side : B; Approx. Time Counter : 12.9 - 15.5}

Steve Snezek, Montana Association of Realtors
{Tape : 2; Side : B; Approx. Time Counter : 15.6 - 16.2}

Ed Everaert, Greenfields Irrigation District
{Tape : 2; Side : B; Approx. Time Counter : 16.4 - 19.1}

Lorna Karn, Montana Farm Bureau
{Tape : 2; Side : B; Approx. Time Counter : 19.7}

Jon Metropoulos, FJBC
{Tape : 2; Side : B; Approx. Time Counter : 21}

Jane Jelinski, MACO
{Tape : 2; Side : B; Approx. Time Counter : 23}

John Bloomquist
{Tape : 2; Side : B; Approx. Time Counter : 25.1}

Opponents: None

Questions from Committee Members and Responses:
{Tape : 2; Side : B; Approx. Time Counter : 25.8}

Closing by Sponsor: Rep. Bill Tash
{Tape : 3; Side : A; Approx. Time Counter : 18.6}

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **Rep. Bill Tash**, on January 13, 1999 at 3:00 P.M., in Room 437 Capitol.

ROLL CALL

Members Present:

Rep. Bill Tash, Chairman (R)
Rep. Cindy Younkin, Vice Chairman (R)
Rep. Hal Harper, Vice Chairman (D)
Rep. Rod Bitney (R)
Rep. Aubyn A. Curtiss (R)
Rep. Rick Dale (R)
Rep. Bill Eggers (D)
Rep. Ron Erickson (D)
Rep. David Ewer (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Dan McGee (R)
Rep. Karl Ohs (R)
Rep. Scott J. Orr (R)
Rep. Bob Raney (D)
Rep. Bob Story (R)
Rep. Jay Stovall (R)
Rep. Doug Wagner (R)

Members Excused: Rep. Carley Tuss (D)

Members Absent: Rep.Scott J Orr (R)

Staff Present: Kathleen Williams, Legislative Branch
Kimberly Walkenhorst, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: HB205, HB96, HB58, 1/13/1999

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN BILL TASH**, on January 29, 1999 at 3:00 P.M., in Room 437 Capitol.

ROLL CALL

Members Present:

Rep. Bill Tash, Chairman (R)
Rep. Hal Harper, Vice Chairman (D)
Rep. Cindy Younkin, Vice Chairman (R)
Rep. Rod Bitney (R)
Rep. Rick Dale (R)
Rep. Ron Erickson (D)
Rep. Gail Gutsche (D)
Rep. Dan McGee (R)
Rep. Douglas Mood (R)
Rep. Karl Ohs (R)
Rep. Scott J. Orr (R)
Rep. Bob Raney (D)
Rep. Bob Story (R)
Rep. Jay Stovall (R)

Members Excused: Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. David Ewer (D)
Rep. Joan Hurdle (D)
Rep. Carley Tuss (D)
Rep. Doug Wagner (R)

Members Absent: None.

Staff Present: Deb Thompson, Committee Secretary
Kathleen Williams, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 350, 1/26/1999
Executive Action: HB 92; HB 205; HB 74; HB 270

object with a known spacial relationship to a corner position. Early government surveyors used stones or bearing trees with inscribed marks. Now, if a corner marker is needed, knowing these are subject to destruction, a surveyor will set iron pins. If the monuments are gone, the surveyor can go to the reference pins.

Rep. Harper asked what happened when the trees are cut down. Latvala replied federal laws make it illegal to cut down a bearing tree, unless you make provisions to replace it with a marker.

Closing by Sponsor: Rep. Anderson closed. He said the importance of this bill was that it put people on notice to be more careful rather than removing a monument with impunity. ***{Tape : 1; Side : A; Approx. Time Counter : 21.4}***

EXECUTIVE ACTION ON HOUSE BILL 92

Rep. Ohs **MOVED DO PASS.** The question was called. The motion **PASSED** with three no votes by Reps. Orr, McGee, and Bitney. ***{Tape : 1; Side : A; Approx. Time Counter : 23}***

EXECUTIVE ACTION ON HOUSE BILL 205

Rep. Tash **MOVED DO PASS.**

Rep. McGee presented an amendment. **EXHIBIT(1)** He explained the amendment addressed circumstances when subdivisions occur. He pointed out there may or may not be a ditch on the property. The property may or may not have water rights. This attempts to cover a variety of conditions. Rep. McGee **MOVED** the amendments.

Rep. Tash noted these were friendly amendments which would coordinate efforts. It would make a good bill better. ***{Tape : 1; Side : A; Approx. Time Counter : 29.8}***

Rep. Ohs asked Mike Murphy to respond to the amendment. Mike Murphy, Montana Water Resources Association, replied this was a good amendment and they were in favor of the proposal.

The question was called on the McGee amendment. The motion **PASSED UNANIMOUSLY.**

Rep. Tash presented an amendment to clarify language on page 2, line 12 and line 20. **EXHIBIT(2)** The purpose of these is to clear up ambiguities regarding ditches that go into subdivided

properties. Sometimes there is a question of where they are or if there are any ditches, for the purpose of filing and recording those easements and ditches along with the plat. Rep. Tash **MOVED DO PASS.** The question was called. The motion **PASSED UNANIMOUSLY.** Rep. McGee **MOVED DO PASS AS AMENDED.** The question was called. The motion **PASSED UNANIMOUSLY.**

EXECUTIVE ACTION ON HOUSE BILL 74

Rep. Ohs **MOVED DO PASS.** He distributed amendments requested by Rep. Mood. **EXHIBIT(3)**

Rep. Raney referred to language on page 4 and 5 regarding the proceeds of bonds. He said he was opposed to taking money out of a program and letting an agency spend it on administrative costs. Anna Miller, DNRC, replied that the program allowed some federal money could be used and bond proceeds had to be matched for that. She pointed out because this was a construction program and applicants applied to the program, the department had review the plans and do a financial analysis on each community. The federal government supply some funding to administer the program. There is a 4% cap on this but it allows the department to do all that work and it has to be matched with bond proceeds money. ***{Tape : 1; Side : A; Approx. Time Counter : 38.9}***

Rep. Mood **MOVED** the amendment.

Anna Miller, DNRC, explained a flow chart of funds. **EXHIBIT(4)** The amendment addresses equalizing the funds. The department would like to be able to move funds between program, which the federal regulations allow. The federal allocation account and the state allocation account is how they get the money to fund the loans for the communities. They get a federal grant and then they sell bonds to match those funds. The communities apply and the department makes loans to them. She explained the flow chart and how the loans worked. The wastewater account generates mor cash since it has been around longer.

Rep. Younkin suggested the bill be postponed until technical questions were answered, such as federal eligibility citations in the Safe Drinking Water Act.

Rep. Raney said the whole issue he was concerned with was he did not think money should be taken out of a program to administer the program. Money should be appropriated for an agency to run a program but not take money back out of that program.

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on March 16, 1999 at 3:00 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Ken Miller, Vice Chairman (R)
Sen. John C. Bohlinger (R)
Sen. Chris Christiaens (D)
Sen. Dorothy Eck (D)
Sen. Bill Glaser (R)
Sen. Duane Grimes (R)
Sen. Don Hargrove (R)
Sen. J.D. Lynch (D)
Sen. Dale Mahlum (R)
Sen. Jon Tester (D)

Members Excused: None.

Members Absent: None.

Staff Present: Jodi Pauley, Committee Secretary
Mary Vandenbosch, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 205, 3/10/1999; HB 353, 3/10/1999; HB 300, 3/10/1999; HB 338, 3/10/1999
Executive Action: HB 411

EXECUTIVE ACTION ON HB 411

Discussion:

Mary Vandenbosch said this bill allows a city to designate the

Business Improvement District board as the Parking Commission if the two areas are the same. The city cannot appoint members under the current law because the Parking Commission is supposed to draw from the electors of the city and the Business Improvement District is supposed to pick members from property owners within the district.

Motion/Vote: **SEN. LYNCH** moved **HB 411 BE CONCURRED IN. Motion carried unanimously 9-0.**

SEN. DUANE GRIMES took over the chair.

HEARING ON HB 205

Sponsor: **REP. BILL TASH, HD 34, Dillon**

Proponents:

Mike Murphy, MT Water Resource Assoc.
John Youngberg, MT Farm Bureau Assoc.
Steve Snezek, MT Assoc. of Realtors
John Bloomquist, MT Stockgrowers Assoc.
Ron deYoung, MT Farmers Union
Larry Marshall, MT Assoc. of Registered Land Surveyors
Jon Metropoulos, Flathead Joint Board of Control for three Irrigation Districts
Jim Foster, Helena Valley Irrigation District
Jay Chamberlin, East Bank Irrigation District
Holly Franz, Self
Stephen Ries, Ries Surveying

Opponents: None

Opening Statement by Sponsor:

REP. BILL TASH, HD 34, Dillon, read the title of the bill. He said with more and more subdivisions taking place especially on agricultural lands, it interferes with infrastructures, ditches and water deliver systems. Many of these ditches are tampered with and altered in these subdivisions. He said they had a lateral ditch that was in a subdivision that was used by his family since 1927. This ditch was very important to the ranch as it recharged springs and underlying aquifers within the ranch properties. This bill requires the subdivider to establish ditch easements within the subdivision.

Proponents' Testimony:

Mike Murphy, MT Water Resource Assoc., said subdivisions involve a lot of irrigated lands and determining the rights to these ditches that cross the subdivision can be difficult and confusing. Sub-section 9, page 2, would ensure in the subdivision process that the purchaser of irrigated land would have access to the waters in which they are entitled. Subdivided acreages are cut off from water rights due to the absence of an easement. This section also provides an exception provision, lines 14-17, page 2. These provision will help ensure the stability of irrigation projects in the state as well as protecting the purchasers. He discussed sub-section 10 of the bill on page 2. This bill will provide less litigation and will help with the onset of the subdivision with more planning and research.

{Tape : 1; Side : A; Approx. Time Counter : 3:15 p.m.}

John Youngberg, MT Farm Bureau Assoc., said Belgrade, Montana is one of the fastest growing areas in the state and there are many problems with subdivisions and water rights. He gave an example of an individual who was out walking his ditch one day and it runs through a very exclusive subdivision. Some of the people had landscaped right up to the ditch and had tapered down the ditch edges. One homeowner wondered what he was doing in their back yard as they assumed the ditch was theirs. Nobody had told them that there had to be a ditch easement. He said the second example took place in the city of Belgrade. He said the developers had brought in a preliminary plat and had recorded where they were going to move the ditch. When the engineer held the plat up the ditches missed each other by 15 feet. By that time there had already been lots platted and streets put in. And they now have a ditch that runs up hill for one block. This bill will take care of those problems.

Steve Snezek, MT Assoc. of Realtors, rose in support of **HB 205.**

John Bloomquist, MT Stockgrowers Assoc., said this bill reduces questions, uncertainty, and litigation.

Ron deYoung, MT Farmers Union, rose in support of **HB 205.**

Larry Marshall, MT Assoc. of Registered Land Surveyors, passed out a suggested amendment. **EXHIBIT(1)** He said right now it is very difficult to track down the contact person when trying to get information on a particular ditch.

Jon Metropoulos, Flathead Joint Board of Control for three irrigation districts, said this problem is only increasing.

Jim Foster, Helena Valley Irrigation District, said if they divide a 40 acre tract into two 20 acre parcels with tract A being adjacent to their irrigation system. And the subdivider does not provide a water conveyance easement through tract A for tract B, it can be locked out from the reasoning water. Even though tract B is physically unable to receive water the acres are still in the district and assessed the annual $17.96 per acre charge. This bill will help prevent this type of problem from occurring by requiring that easements be filed and recorded. Disclosure to buyers is important because someone will buy a parcel and is surprised to find out that they are paying assessments with no way to receive water.

Jay Chamberlin, East Bank Irrigation District, said he used to live in the Bitterroot valley and there is tremendous growth there. Many of these ditches become a conveyance system that have to serve six or eight people, but at one time only served one person. They assess all irrigated lands within the boundary that the irrigation water serves. He said there is nothing more frustrating to a land owner who has just purchased a piece of property and then to find out that physically it cannot receive water. This bill will help with water rights and protect those lands that deserve to have water.

Holly Franz, Self, said this bill will prevent troubles that have plagued developers, irrigators, and home owners around the state.

Stephen Ries, Ries Surveying, said he deals with many of these problems in his business.

{Tape : 1; Side : A; Approx. Time Counter : 3:30 p.m.}

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. JON TESTER asked about the amendment that the land surveyors are presenting. **(EXHIBIT 1) REP. TASH** said he doesn't feel that this amendment is needed because it is in present law and wouldn't solve anything. This would become another added responsibility to land owners that they don't need. He feels it is the seller and the realtor's responsibility to properly identify any existing irrigation facilities.

SEN. TESTER asked if it is difficult to find out who owns the ditches and where do they go to find this information. **REP. TASH** said in some instances it is difficult to determine who owns the ditches and where the parameters are, etc.

SEN. DALE MAHLUM asked why should people have to pay an assessment for a service that they don't get. **REP. TASH** said this is a concern, especially for irrigation districts. If someone buys a piece of property and he has water rights, it is the responsibility of that landowner to understand what they have bought. The purpose of this bill is to see that those properties are going to be subdivided have been properly represented.

SEN. MAHLUM said what if the ditch is a half a mile away and there is no way to get water to this property. **REP. TASH** said the purpose of this legislation is for people to be more responsible for their own actions when these properties are represented and sold. This legislation will keep people from buying a piece of irrigated property and then have to carry water in a bucket to irrigate it.

SEN. CHRIS CHRISTIAENS asked how do they deal with the ownership of these ditches. **John Bloomquist** said the Clerk and Recorder may have information on easements and water rights. He said the Department of Natural Resources has all of this information very available.

SEN. CHRISTIAENS said in some instances more water has been granted than is available. **John Bloomquist** said water rights and ditch rights are two separate things. This doesn't get into the issue of if anybody is going to be guaranteed the delivery of water. This deals with the issue of recognizing the conveyance system.

SEN. CHRISTIAENS asked does the individual whose property the ditch crosses, own the ditch? **John Bloomquist** said it is just like a road and whoever owns the easement is the one who owns the ditch.

SEN. DON HARGROVE asked if the assessment is in another section of law. **REP. TASH** said that is correct and this is a matter of clarification.

ACTING CHAIRMAN GRIMES referred to the amendment from the land surveyors. **(EXHIBIT 1)** He asked if this is somewhere else in law. **Holly Franz** said she had a case in which there was a six mile ditch and the ditch owner didn't know who was going to develop property along that ditch. This amendment would require everyone that has a ditch to come in and file some type of recording with

the Clerk and Recorder. There is a concern because there will be thousands of people out there that would have to file this type of record.

{Tape : 1; Side : A; Approx. Time Counter : 3:42 p.m.}

Closing by Sponsor:

REP. TASH said this is a matter of disclosure. There are going to be more and more subdivisions, and they want to see that they are regulated and done properly.

HEARING ON HB 353

Sponsor: REP. BILL TASH, HD 34, Dillon

Proponents:

Jane Jelinski, MT Assoc. of Counties
Mona Jamison, MT Historical Society Foundation
Sharon McCabe, MT Historical Society

Opponents: None

Opening Statement by Sponsor:

REP. BILL TASH, HD 34, Dillon, said this is for the acquisition by Madison County to acquire Robbers Roost. Madison County has owned it for several years and acquired it from a tax role back in the 1930's. He read the title of the bill. He said it was amended to make sure that the group that did acquire it would not be burdened with a large amount of management. The purpose is to preserve Robbers Roost. He turned in a newspaper article about Robbers Roost. **EXHIBIT(2)**

Proponents' Testimony:

Jane Jelinski, MT Assoc. of Counties, said there are several situations in which counties would like to provide certain non-profits with the opportunity to reside in an available building.

Mona Jamison, MT Historical Society Foundation, said if a county owns a historically significant building it can make a deal with a non-profit to restore the building and in turn the county will sell or give it to the non-profit. In turn if that non-profit wants to sell it to another entity, that entity has to continue to preserve that piece of property.

MINUTES

MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on March 18, 1999 at 3:15 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Ken Miller, Vice Chairman (R)
Sen. John C. Bohlinger (R)
Sen. Chris Christiaens (D)
Sen. Dorothy Eck (D)
Sen. Bill Glaser (R)
Sen. Duane Grimes (R)
Sen. Don Hargrove (R)
Sen. J.D. Lynch (D)
Sen. Dale Mahlum (R)
Sen. Jon Tester (D)

Members Excused: None.

Members Absent: None.

Staff Present: Jodi Pauley, Committee Secretary
Mary Vandenbosch, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 336, 3/11/1999; HB 443, 3/11/1999; HB 614, 3/11/1999; HJR 29, 3/11/1999
Executive Action: HB 336; HB 443; HJR 29; HB 91; HB 205; HB 353; HB 300

HEARING ON HB 336

Sponsor: REP. KIM GILLAN, HD 11, Billings

SEN. MILLER said currently people don't even have a vote, they are ruled by the city council.
SEN. HARGROVE said this is why he didn't support CI-75. He said in their primary election seven percent showed up and therefore three and half percent of the people would be raising taxes for everyone else.

Vote: Motion **carried 5-2 with Hargrove and Tester voting no.**

Motion: **SEN. MILLER** moved **AMENDMENTS HB009101.amv BE ADOPTED. EXHIBIT(7)**

Discussion:

Mary Vandenbosch explained the amendments. **(EXHIBIT 7)**

Vote: Motion **carried 7-0.**

Motion/Vote: **SEN. MAHLUM** moved **HB 91 BE CONCURRED IN AS AMENDED. Motion carried 6-4 on a roll call vote.**

EXECUTIVE ACTION ON HB 205

Motion/Vote: **SEN. HARGROVE** moved **HB 205 BE CONCURRED IN. Motion carried 7-0.**

EXECUTIVE ACTION ON HB 300

Motion: **SEN. MILLER** moved that **AMENDMENTS FROM THE MT ASSOC. OF REGISTERED LAND SURVEYORS BE ADOPTED. EXHIBIT(8)**

Discussion:

Mary Vandenbosch said these amendments will have to be edited, but can be conceptually accepted.

SEN. MILLER explained the amendments. **(EXHIBIT 8)**

SEN. TESTER said 60 working days is long enough.

SEN. BOHLINGER said this lengthens the process and time is money and he opposes this because it makes housing more costly.

SEN. HARGROVE said the bill clears up the confusion over holidays and weekends.

Vote: Motion **failed 1-5** with **SEN. MILLER voting yes.**